

**CALIFORNIA PROFESSIONAL FIDUCIARIES BUREAU**  
**PROPOSED REGULATIONS**  
**Title 16, Division 41, California Code of Regulations**  
**Article 3. Prelicensing and Continuing Education**

**Changes to the originally proposed language are shown by bold and double underline for new text and bold and underline with strikeout for deleted text.**

**Section 4440. Prelicensing ~~e~~Education ~~r~~Requirements.**

To qualify for licensure under the Act an applicant shall complete thirty (30) hours of prelicensing education credit subject to the conditions of this Article. The following courses shall qualify for prelicensing education credit:

(a) Any education course taken on or after January 1, 2007, that meets the requirements of an approved education course under Section 4444.

(b) Any fiduciary management course taken from the California State University, Fullerton, Extended Education Program.

(c) Any education course taken on or after January 1, 2007, to satisfy the continuing education requirements of Rule 7.1010 and 7.1060 of the California Rules of Court.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

**Section 4442. Continuing ~~e~~Education ~~r~~Requirements.**

(a) Annual time requirements.

(1) To renew a license, a licensee shall earn during each annual renewal period a minimum of fifteen (15) hours of continuing education credit from approved education courses as defined in Section 4444 subject to the conditions of this Article.

(2) Courses qualifying for continuing education credit must be completed following licensure and within the one-year renewal period each cycle.

(3) A licensee who serves as an instructor in an approved education course for continuing education as provided for in subdivision (a) of Section 4444, may receive 1.5 hours of continuing education course participation credit for each hour of new course instruction presented. A maximum of 6 of the fifteen (15) hours of continuing education credit may be earned under this paragraph.

(4) A maximum of 4 of the fifteen (15) hours of continuing education credit may be earned through independent study under the supervision of an approved education provider pursuant to Section 4446 that supplies evidence of completion.

(b) Annual subject ~~matter~~ topic requirements.

~~(1) At least 4 hours of continuing education credit each year shall be in fiduciary responsibilities of estate management.~~

~~(2) At least 4 hours of continuing education credit each year shall be in fiduciary responsibilities of the person.~~

(1) Continuing education credit shall be earned by taking approved education courses in at least one of the subject topics as provided for in Section 4444.

~~(3)~~(2) At least 2 hours of continuing education credits each year shall be in ~~fiduciary ethics~~ ethics for fiduciaries.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

#### **Section 4443. Continued Education for First License Renewal.**

For the initial license period established pursuant to Section 4428, each licensee must comply with the continued education requirements of Section 4442, and must earn at least the equivalent of 1.25 units for each additional month extending beyond the first ~~twelve~~ 12 (12) months of licensure for renewal.

*NOTE: Authority cited: Sections 152.6, and 6517, Business and Professions Code. Reference: Sections 134 and 152.6, Business and Professions Code.*

#### **Section 4444. Approved eEducation eCourses.**

(a) Eligible education courses, as defined in subdivision (b), offered or approved by an approved education provider listed in Section 4446, are approved education courses that meet the prelicensing and continuing education requirements of this Article.

(b) Programs, seminars, and courses of study ~~in that are relevant to fiduciary responsibilities of estate management or of fiduciary responsibilities of the person for at least one of the~~ in that are relevant to fiduciary responsibilities of estate management or of fiduciary responsibilities of the person for at least one of the subject topics as specified in subdivision (e), that address the areas of proficiency, competency, and performance of a fiduciary, and impart knowledge and increase understanding of the fiduciary profession or of the California judiciary or the legal process as it relates to the administration of fiduciary responsibilities are eligible education courses.

(c) An approved education course may be offered in a real-time classroom setting, delivered by video presentation from a remote location or by other delivery means, including online.

(d) An approved education course may include independent study, subject to the limitations of paragraph (4) of subdivision (a) of Section 4442, if the education provider supplies evidence of completion. A course is not independent study if the education provider requires evidence of comprehension prior to issuing a certificate of completion, as required in subdivision (c) of Section 4448.

(e) Subject topics for eligible education courses, as defined in subdivision (b), shall ~~one or more of~~ include the following ~~subject topics~~:

- (1) Conservatorship;
- (2) Guardianship;
- (3) Trust administration;
- (4) Durable Power of Attorney;
- (5) The California court system including court jurisdiction and responsibilities; the state and federal constitution, California statutes, rules of court, case law, administrative law, and current issues in the California court system relevant to the fiduciary profession;
- (6) Ethics for fiduciaries.

*NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.*

## **Section 4446. Approved eEducation pProviders.**

(a) Approved education providers may include accredited educational institutions, professional associations, professional continuing education entities, public or private for-profit or not-for-profit entities, and court-connected groups. An "accredited educational institution" is a college or university, including a community or junior college, accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.

(b) The following educational entities that offer or approve eligible education courses as defined in subdivision (a) of Section 4444, in accordance with the requirements of Section 4448, are approved education providers of courses that meet the prelicensing and continuing education requirements of this Article:

- (1) An accredited educational institution;
- (2) An education provider offering courses sponsored by a local court of the State of California;
- (3) An education provider offering courses approved by the California State Bar for continuing education;
- (4) An accountancy organization or an education provider, if the education qualifies with the California State Board of Accountancy for continuing education credit for renewal of an individual license as a Certified Public Accountant;
- (5) An education provider offering courses registered with the Certified Financial Planner Board of Standards, Inc.;
- (6) An education provider offering courses approved by the California Department of Insurance;
- (7) An education provider of continuing education courses approved by the California Board of Registered Nursing;
- (8) An education provider offering courses approved by the California Board of Psychology;
- (9) An education provider offering courses approved by the California Board of Behavioral Sciences;**
- ~~(9)~~ **(10)** The California Department of Mental Health, Social Services and Developmental Services;
- ~~(10)~~ **(11)** The Professional Fiduciary Association of California;
- ~~(11)~~ **(12)** The California State Association of Public Administrators, Public Guardians, and Public Conservators;
- ~~(12)~~ **(13)** The National Guardianship Association and its state affiliates;
- ~~(13)~~ **(14)** The National Association of Professional Geriatric Care Managers;
- ~~(14)~~ **(15)** The American Bar Association;
- ~~(15)~~ **(16)** The American Society of Aging;
- ~~(16)~~ **(17)** The Gerontological Society of America;
- ~~(17)~~ **(18)** The National Association of Social Workers;
- ~~(18)~~ **(19)** The National College of Probate Judges; **and,**
- ~~(19)~~ **(20)** The National Elder Law Foundation;
- (21) The American Bankers Association and its training providers; and,**
- (22) The Cannon Financial Institute.**

*NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.*

## **Section 4448. Requirements for eEducation pProviders.**

Each education provider shall:

- (a) Ensure that the instructors teaching qualified education courses are proficient and knowledgeable in the subject matter;
- (b) Monitor and evaluate the quality of courses, curricula, instructors, and instructor training;
- (c) Maintain records of attendance or independent study and distribute to each participant a certificate of completion that identifies the education provider and documents the subject taught, the date of completion of the education course, and the amount of education credit offered;
- (d) Maintain documentation of approved education courses offered for prelicensing and continuing education credit under this article for a period of at least five years from the date the education course was offered; and
- (e) Provide to the Bureau upon request any documentation of approved education courses for prelicensing and continuing education credit, including records of attendance or independent study.

*NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.*

#### **Section 4450. Proof of eCompliance of ~~p~~Prelicensing eEeducation.**

Each applicant is responsible for ensuring compliance with the prelicensing education requirements of this Article.

- (a) To demonstrate compliance an applicant shall sign under penalty of perjury on an application form provided by the Bureau that they have completed thirty (30) hours of approved prelicensing education courses.
- (b) An applicant shall maintain documentation of completion of prelicensing education courses for a period of at least three years from the date of the issuance of the license.
- (c) ~~Upon request, e~~Each applicant shall provide any information requested by the Bureau within ten (10) business days of the request, to determine compliance with the prelicensing education requirements of the Act.

*NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.*

#### **Section 4452. Proof of eCompliance of eContinuing eEeducation ~~r~~Requirements.**

Each applicant is responsible for ensuring compliance with the continuing education requirements of this Article.

- (a) To demonstrate compliance a licensee shall sign under penalty of perjury on an annual renewal application form provided by the Bureau that they have completed fifteen (15) hours of approved continuing education courses.
- (b) A licensee shall maintain documentation of completion of continuing education courses for a period of at least three years from the date of renewal.
- (c) ~~Upon request, e~~Each licensee shall provide any information requested by the Bureau within ten (10) business days of the request, to determine compliance with the continuing education requirements for license renewal.

*NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.*